

Maria Pallante  
Register of Copyrights  
US Copyright Office  
101 Independence Ave. S.E.  
Washington, D.C. 20559-6000  
RE: Notice of Inquiry, Copyright Office, Library of Congress  
Orphan Works and Mass Digitization (77FR64555)

Dear Ms. Pallante

I am writing to you concerning the issue of copyright protection and the current attempts to pass an Orphan Works bill that will greatly affect artists like myself.

Over the last decade, freelance writers, artists and photographers have seen significant attempts by some to take possession of our copyrights. These corporations wish to dismantle copyright or to find ways to profit from the ownership of images at the expense of the actual owners.

Many artists are fighting to protect artist's rights on the national level as copyrights and intellectual property become commerce, but they do not have the financial resources to compete against corporate involvement or most recently organizational corruption.

Several years ago, efforts were made to try to pass such a devastating bill. The Orphan Works bill was defeated by the efforts of artists who stood to have their voices heard. Now this bill is being considered again by the copyright office and I cannot stress strongly enough at the serious damage this bill will do to the creative industry.

This bill, which was an effort to overthrow copyright protection under the guise of freeing up intellectual property for the general public is a real financial threat to artists and their copyrights. If this bill were not stopped four years ago, artists would have been forced to register their works in several for-profit Orphan Works registries, in order to prove that their work was not abandoned. Much like existing domain name registries, artists would have to pay all scanning and registries fees on their entire body of work on an annual basis. I myself have over 1000 images and countless more sketches.

This financial burden just to provide proof that artist's copyrights are not abandoned, even though existing copyright law **already** protects their work would have become so cost prohibited that many artists would have fallen into noncompliance and risk losing ownership of their work. Their work could then be selected and appear on the internet without fair compensation thus forcing artists to compete against their own works.

Many for profit businesses that support passage of a bill like this, have seen the financial benefit of having artist's works deemed either work for hire or if possible "orphaned" so they can be used without further compensation. These for profit businesses and sadly even several artists' organizations that once protected copyrights have seen that by supporting the Orphan Works bill, they can participate in an annual revenue stream with the creation of their own version of an

Orphan Works registry. Artists do not have the resources in place to fight to protect what is already theirs if such a bill were to pass.

Also, artists can no longer turn to those organizations that once protected artist's rights for assistance. For example, organizations that continue collecting foreign royalties that should be distributing to their rightful owners are instead keeping these fees to support their own activities or worse yet, support bills with lobbying efforts like the Orphan Works bill, that further hurt the artist community. With an Orphan Works bill in place these organizations and guilds, who have long advocated and lobbied for the passage of this bill, can turn around and create orphan works registries thus profiting off the work of artists.

I fear these once respected groups and newly created for-profit businesses will use the revenue they have garnered from a successful passage of an Orphan Works bill to pursue venues in which they solely profit off of artists at the expense of artist's copyrights. If we continue to allow our copyrights to be weakened in this manner, the financial costs to protect our works or to prevent our own royalties from being used against us will only increase.

In order to prevent this from happening, I ask that the copyright office support and adapt the comments and suggested presented to you from The Illustrator's Partnership of America, authored by Brad Holland and Cynthia Turner. Link: [http://www.copyright.gov/orphan/comments/noi\\_10222012/Illustrators-Partnership-America.pfd](http://www.copyright.gov/orphan/comments/noi_10222012/Illustrators-Partnership-America.pfd)

Their comments and efforts best outline and define the growing problem and should be given strong attention by the copyright office as they outline the growing problem artists face today..

I thank you for your attention on this matter.

Ken Dubrowski

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